

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES EDWARD NORRIS,

Plaintiff,

v.

RAY LAHOOD, Secretary of the United
States Department of Transportation, (FAA),

Defendant.

CASE NO. C13-5928 BHS

ORDER DENYING PLAINTIFF'S
MOTION TO CONSOLIDATE

This matter comes before the Court on Plaintiff James Edward Norris's ("Norris") motion to consolidate (Dkt. 2). The Court has considered the pleadings filed in support of and in opposition to the motion and the remainder of the file and hereby denies the motion without prejudice for the reasons stated herein.

On October 18, 2013, Norris filed a complaint against Ray Lahood, Secretary of the United States Department of Transportation, (FAA). Dkt. 1. On the same day, he filed a notice of proof of his filing fee (Dkt. 3) and the instant motion to consolidate his case with the "previously filed case James F. Gibson, Plaintiff (Pro-se) v. Ray Lahood, Secretary of Transportation, (FAA), C-135870 (RBL)." Dkt. 2 at 1. Norris clearly alleges employment discrimination in the late 1980's and early 1990's. *See* Dkt. 1. While Norris's allegations appear to be outside of the statute of limitations period, he alleges that he is within the statute of limitations at least in part due to what he terms the "continuing EEOC violations doctrine." *Id.* at 12. Norris appears to claim the continuing violations doctrine is applicable to his case because after the Office of Personnel Management awarded an emotional distress disability retirement annuity in the early

1 1990's, his pilot's licenses have been "unjustly, maliciously and illegally suspended" since that
2 time, and he has continued to be psychiatrically treated. *Id.* at 12.

3 In an October 22, 2013 order, Judge Ronald B. Leighton denied James F. Gibson's
4 request to proceed *in forma pauperis* and his motion to consolidate his case with Norris's (who
5 had yet to file a complaint). *See* 3:13-cv-5870-RBL, Dkt. 6. Judge Leighton found that Gibson's
6 claims are time-barred and venue improper, as Gibson lives in Reno, Nevada. *Id.* Due to these
7 "inherent flaws," Judge Leighton denied his motions and stated that the Court will dismiss the
8 Gibson's complaint *sua sponte* if Gibson pays the filing fee. *Id.* A motion for reconsideration of
9 the foregoing order is pending. Dkt. 11.

10 Although it appears that Norris, like Gibson, is barred from bringing suit by the statute of
11 limitations, it is not entirely clear because the issue has not been fully presented. However, what
12 is clear is that Norris has failed to show the requisite proof for service of the summons,
13 complaint and the instant motion upon the appropriate persons, agencies or attorneys. *See* Fed.
14 R. Civ. P. 4(i)(1)-(3) and (l) and W.D. Local Rule 4(c).

15 Therefore, it is hereby **ORDERED** that Norris's motion to consolidate is **DENIED**
16 **without prejudice.**

17 Dated this 15th day of November, 2013.

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20 BENJAMIN H. SETTLE
21 United States District Judge
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